

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
v.)
)
) CRIMINAL NO. A-11-CR-360-(1)-SS
RUBEN FLORES,)
)
)
Defendant.)
)

FACTUAL BASIS

Had this matter proceeded to trial, the United States Attorney was prepared to prove the following facts beyond a reasonable doubt:

From April, 2009, to July 14, 2011, the FBI gang task force has been investigating members and associates of the Texas Mexican Mafia located in Austin, Texas and the surrounding counties. This investigation employed the use of multiple surveillances of TMM members, multiple search warrants on the residences and/or stash houses of TMM members, multiple pen registers as well as multiple wiretaps which captured thousands of phone calls between TMM members and others, including Ruben Flores. Throughout the investigation the task force has been able to debrief a number of cooperators in Austin and other cities. Through the combination of all of these efforts the task force has documented that the indicted co-conspirators have conspired to possess with intent to distribute well in excess of one kilogram of heroin and five kilograms of cocaine during the time period from April, 2009 to July 14, 2011. Over a kilogram of heroin was seized from the residence of Flores, alone, on July 14, 2011.

The investigation encompassed the following events:

1) On August 29, 2009, law enforcement surveillance officers observed FLORES discard a bag of trash in a dumpster and they were able to retrieve it. In the bag they found drug notes including ROMO 10500, MOE 9000, D 17000, TAZ 9000, SLAYER 25200, 10800 SHADOW - 5000, DANNY B 17000, SONNY 4250, as well as some other names with a total of 89300 (\$89,300). These prices were consistent with previous cocaine prices, including \$9,000-\$10,500 for a half kilo, and \$17,000 for a full kilo.

2) Numerous surveillances have been conducted on TMM members, including their attendance at TMM meetings. On 1/16/2010, FLORES held a TMM meeting at his residence at 709 Justeford with ROMO and other TMM members in attendance. On 2/11/11, FLORES was observed attending a TMM meeting at Morin's house. On 2/26/11, FLORES was observed attending a meeting at TORRES' house. On 6/20/11, FLORES was observed attending a meeting at Zuniga's residence.

3) On August 26, 2010, TMM members Paul Rodriguez (SLAYER, note reference, supra, to SLAYER in Flores' drug notes from the trash seizure) and Danny Vallejo were arrested in possession of marijuana, an SKS assault rife, a sledge hammer, a Hi-Point .40 caliber handgun with a full magazine, three scales, heat sealed bags, glass pipes, \$7,146, a small bag of cocaine and MDMA tablets. Rodriguez' and Vallejo's phones were found to contain phone numbers/names or telephone contacts with FLORES, and co-defendants Samarripa, Eloy Davila, Michael Morin, David Romo, and Mike Martinez.

4) On October 14, 2010, law enforcement executed a search warrant at FLORES' "stash house." Officers had observed both Samarripa and Martinez at this location. Officers seized

approximated 87.25 grams of heroin packaged in 290 balloons, a Beretta Pistol, a ledger, packaging materials, balloons, blenders and scales. On May 5, 2011, FLORES was intercepted discussing the ledger that had been seized from him with co-defendant Morin.

5) Law enforcement intercepted multiple conversations between FLORES and his co-defendants discussing cocaine (referred to by such terms as cream) and heroin (frequently referred to as coffee or chocolate). Through the intercepted calls, seizures, ledgers, and cooperator information law enforcement was able to establish FLORES' involvement in powder and crack cocaine, heroin and marijuana and that he was the current regional Captain of the TMM. Law enforcement was able to document that the quantities involved in this conspiracy are well in excess of five kilograms of cocaine and a kilo of heroin.

6) Multiple search warrants were conducted on July 14, 2011. Paperwork was located at several locations, including what appeared to be a sign in sheet for TMM members. On this sheet the members provided their "Name" in the first column, their "A.K.A" in the middle column and their Date of Birth in the final column. The first person to sign was Ruben Flores who identified himself as "Q," and listed his correct date of birth. Also on this list were co-defendants Torres, Martinez, Romo, Samarripa, Mendieta, Estrada, Arnulfo Perez, all listing their correct dates of birth.

In addition to paperwork, law enforcement officers located numerous guns at different defendants' residences, including Morin, Torres, Martinez, Zuniga, Romo, Mendieta, Lopez, Estrada, and Salazar for a total of approximately 15 firearms seized, as well as gang-related documents, including the TMM constitution. Heroin and cocaine were seized from other residences. Over a kilo of heroin was seized from Ruben Flores' house and about 8.81 grams of cocaine. Over 467 grams of cocaine was seized from Arnulfo Perez-Torres' house. Over 98 grams of heroin was

found at a residence associated with Michael and Crystal Morin. Smaller quantities of drugs were seized at other co-defendants' residences.

This is just a small summary of the evidence that would be presented at trial to demonstrate that there was a conspiracy, Mr. FLORES membership and role in this conspiracy, and that the conspiracy distributed well in excess of the quantities specified in Count One and Count Two of the Superseding Indictment. A full trial would provide more extensive information regarding the pen registers, the large number of law enforcement surveillances of the co-conspirators, a more complete recitation of intercepted phone calls, more extensive information regarding the evidence uncovered during the search warrants, etc. At trial or sentencing the United States would establish proof that Mr. FLORES committed this offense after a prior conviction for a felony drug offense had become final.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 4th day of September, 2011, I electronically filed the forgoing with the Clerk of the court using the CM/ECF system which will send notification of such filing to the following attorney of record:

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